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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM A. MORRIS and CATHERINE M.
MORRIS, husband and wife,

Plaintiffs,

v.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

NO. 2:18-cv-01876-RSL

STIPULATION TO AMEND
COMPLAINT

STIPULATION

IT IS HEREBY STIPULATED between Plaintiffs and Defendants, through their respective counsel of record, that Defendants have no objection to Plaintiffs filing their Amended Complaint to join Lockheed Shipbuilding Company and Vigor Shipyards, Inc. as defendants in this matter; to clarify jurisdiction of the Federal Courts in light of the claims against Lockheed Shipbuilding Company and Vigor Shipyards, Inc.; and to amend and replead this case from a

Personal Injury lawsuit to Wrongful Death and Survivorship action. A copy of this proposed Amended Complaint is attached as Exhibit 1.

DATED this 1st day of February, 2019.

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Counsel for Union Carbide Corporation

Exhibit 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

~~WILLIAM A. MORRIS and CATHERINE M.
MORRIS, husband and wife,~~

DANIEL W. MORRIS, as Personal
Representative of the Estate of WILLIAM A.
MORRIS,

Plaintiffs,

v.

**AIR & LIQUID SYSTEMS
CORPORATION**, as Successor by Merger
to BUFFALO PUMPS, INC.;
BW/IP, INC., f/k/a BORG-WARNER
INDUSTRIAL PRODUCTS, successor-in-
interest to BYRON JACKSON PUMPS;
CBS CORPORATION, a Delaware
corporation, f/k/a VIACOM, INC., successor
by merger to CBS CORPORATION, a
Pennsylvania corporation, f/k/a
WESTINGHOUSE ELECTRIC
CORPORATION;
**CROWN CORK & SEAL COMPANY,
INC.**;
GENERAL ELECTRIC COMPANY;
GENUINE PARTS COMPANY;
GOULDS PUMPS (IPG), LLC.;
HANSON PERMANENTE CEMENT, INC.,
f/k/a KAISER CEMENT CORPORATION;
IMO INDUSTRIES, INC., individually and

NO. 2:18-cv-01876-RSL

COMPLAINT FOR PERSONAL
INJURIES

PROPOSED AMENDED
COMPLAINT FOR WRONGFUL
DEATH AND SURVIVORSHIP

as successor-in-interest to DE LAVAL
TURBINE, INC.;
INGERSOLL-RAND COMPANY;
ITT CORPORATION, as successor-in-interest
to FOSTER VALVES;
KAISER GYPSUM COMPANY, INC.;
LONE STAR INDUSTRIES, INC.,
individually and as successor-in-interest to
PIONEER SAND & GRAVEL COMPANY,
METROPOLITAN LIFE INSURANCE
COMPANY;
PNEUMO ABEX, LLC;
UNION CARBIDE CORPORATION; and
WARREN PUMPS, LLC., Individually and as
successor in interest to QUIMBY PUMP
COMPANY;
LOCKHEED SHIPBUILDING COMPANY;
and
VIGOR SHPYARDS, INC.

Defendants.

I. PARTIES

~~Plaintiffs William A. Morris and Catherine M. Morris, husband and wife, reside in
Federal Way, Washington.~~

1. Plaintiff Daniel W. Morris resides in Federal Way, Washington, and is the
surviving child of William A. Morris, deceased. Plaintiff is the appointed personal representative
of the Estate of William A. Morris.

2. Defendants and/or their predecessors-in-interest are corporations who, at all times
relevant herein, manufactured, sold, distributed, purchased or maintained on their premises
asbestos-containing products or products that were used in conjunction with asbestos.

II. JURISDICTION

~~This Court has jurisdiction over this cause pursuant to RCW 4.12.025 because, at all
times relevant herein, defendants transacted business and/or may be served with process in King~~

1 ~~County, Washington. This Court has specific jurisdiction over all out of state defendants~~
2 ~~because they each purposefully performed acts or consummated transactions in Washington~~
3 ~~State; Plaintiff's cause of action arises out of and/or relates to defendants' activities and/or~~
4 ~~transactions in Washington State; and assumption of jurisdiction over such out of state~~
5 ~~defendants by this Court does not offend traditional notions of fair play and substantial justice.~~

6 3. This Court has jurisdiction over the above-captioned cause because some
7 defendants are entitled to raise defenses under 28 U.S.C. § 1442 alleging that their conduct was
8 undertaken at the direction of the United States; and the claims against all other defendants form
9 part of the same case or controversy. This Court has specific jurisdiction over all out of state
10 defendants because they each purposefully performed acts or consummated transactions in
11 Washington state; Plaintiff's cause of action arises out of and/or relates to defendants' activities
12 and/or transactions in Washington; and assumption of jurisdiction by this Court does not offend
13 traditional notions of fair play and substantial justice. Venue is proper in Seattle because
14 Plaintiff resides in King County, Washington and William Morris's asbestos injury occurred in
15 Seattle.

16 III. FACTS

17 4. Plaintiff's decedent William A. Morris (DOB: April 3, 1939) was exposed to
18 asbestos and asbestos-containing products which had been mined, manufactured, produced,
19 and/or placed into the stream of commerce by the defendants and/or was exposed to asbestos
20 products used on defendants' premises. As a direct and proximate result of this exposure,
21 plaintiff's decedent William A. Morris developed mesothelioma and died on December 26, 2018.
22 Plaintiff provides the following information:

23 A. Specific Disease: Mesothelioma.

- 1 B. Date of Diagnosis: October 2018
- 2 C. Military: U.S. Army, 1957.
3 U.S. Army Reserves, 1958 to 1965.
4 Mr. Morris worked as a supply clerk.
- 4 D. Occupation: Engineering, drafting and purchasing at Red Dot
5 Manufacturing
- 6 E. Places of Exposure: Take home exposure from father John Morris, who
7 worked at Pearl Harbor Naval Shipyard (1941 to
8 approximately 1943) and Seattle area shipyards,
9 Todd Shipyard, Puget Sound Bridge and Dredge,
10 and Puget Sound Naval Shipyard (approximately
11 1943 to approximately 1953).
- 12 Vessels the father worked on at the Naval
13 Shipyards include the USS Colorado, and USS
14 Nevada, and USS West Virginia.
- 15 Vessels at the commercial shipyards are currently
16 unknown.
- 17 William Morris was also exposed to asbestos para-
18 occupationally, when changing brakes on his
19 personal vehicles and those of family and friends,
20 and also while mixing and installing joint
21 compounds at his personal residences.
- 22 F. Dates of Exposure: 1943 to 1970s. This complaint does not allege
23 exposure to asbestos on or after December 5, 1980.
- 24 G. Current Address: ~~924 West Lakeside Drive~~
~~Shelton, WA 98584~~
Not applicable

IV. LIABILITY

5. Plaintiff claims liability based upon the theories of product liability; negligence; premises liability; conspiracy; strict liability for abnormally dangerous activities and any other applicable theory of liability. The liability-creating conduct of defendants consisted, *inter alia*, of negligent and unsafe design; failure to inspect, test, warn, instruct, monitor and/or recall; failure to substitute safe products; marketing or installing unreasonably dangerous or extra-

1 hazardous and/or defective products; marketing, maintaining or installing products not
2 reasonably safe as designed; marketing maintaining or installing products not reasonably safe for
3 lack of adequate warning and marketing maintaining or installing products with
4 misrepresentations of product safety.

5 **V. DAMAGES**

6 6. As a proximate result of defendants' tortious conduct, plaintiff's decedent
7 William A. Morris sustained pain, suffering and disability prior to death in an amount not now
8 known, but which will be proven at trial. Plaintiff's decedent William A. Morris also sustained
9 medical expenses and economic losses, and funeral expenses in an amount to be proven at trial.
10 ~~Plaintiff Catherine M. Morris sustained loss of consortium as a result of William A. Morris's~~
11 ~~illness.~~ Plaintiff Daniel W. Morris, as personal representative of the Estate of William A.
12 Morris, asserts, loss of consortium, loss of parental relationship and wrongful death claims on
13 behalf of all statutory beneficiaries of William A. Morris.

14 7. WHEREFORE, plaintiffs pray for judgment against the defendants and each of
15 them as follows:

16 a) For general and special damages specified above, including pain, suffering, loss
17 of spousal and parental relationship, ~~and~~ disability, and wrongful death;

18 b) For medical and related expenses, ~~and~~ economic loss, and funeral expenses, all of
19 which will be proven at the time of trial;

20 c) For plaintiffs' costs and disbursements herein;

21 d) For prejudgment interest in the amount to be proven at trial; and

22 e) For such other relief as the Court deems just.
23

1 DATED this ~~23rd day of November, 2018.~~ 4th day of January 2019.

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Attorney for Plaintiffs

ORDER

Pursuant to the Parties Stipulation to amend Complaint, **IT IS ORDERED** that Plaintiffs may file their Amended Complaint for Wrongful Death and Survivorship with this Court.

DATED this 6th day of February, 2019

Robert S. Lasnik

HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT COURT JUDGE

Presented by:

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